It is the mission of the Maryland Commission on Human Relations to ensure equal opportunity for all through the enforcement of Maryland's laws against discrimination in employment, public accommodations and housing; to provide educational and outreach services related to the provisions of this law; and to promote and improve human relations in Maryland.

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Letter of Transmittal

State of Maryland Commission on Human Relations



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January 1, 2006

The Honorable Robert L. Ehrlich, Jr., Governor The Honorable Members of the General Assembly of Maryland

Dear Governor Ehrlich and Members of the General Assembly:

On behalf of the members and staff of the Commission on Human Relations, we respectfully submit to you this Annual Report for Fiscal Year 2005 in accordance with Article 49B, (sec) 3 (b), Annotated Code of Maryland.

In fiscal year 2005, we continued to increase accessibility for disabled Marylanders, advance equal opportunity in employment and facilitate access to fair housing for protected classes of citizens with the following initiatives:

The Case Processing Division obtained directly, and in coordination with the Office of the General Counsel, over \$850,000in monetary benefits for the people of Maryland. The Mediation Unit increased its effectiveness by successfully resolving 62% of the 237 cases in which mediation was elected in 2005.

MCHR provided technical assistance services to partners and constituents throughout Maryland aimed at preventing discrimination. The Commission provided training, consultations and seminars to more than 7,000 individuals.

The General Counsel's office completed litigation in several significant cases, and advanced the public's understanding of State and federal anti-discrimination laws through publications, workshops and public forums.

As we pointed out in last year's Annual Report, the continued reduction in real dollars in the Commission's budget from both state general funds and federal funds led to the demise of an important function of the Commission, the Systemic Unit, which had conducted major investigations of pervasive discrimination. This unit will be sorely missed. The budget reductions also have resulted in the elimination of another very important component of the Commission: the Community Outreach and Education Unit, which was disbanded as of the end of fiscal 2005. Although other individuals and departments of the Commission will assume some of the duties of that unit, it will no longer be possible to reach out with the same degree of effectiveness to the community to prevent discrimination through education and training, a major part of the mission of this agency.

Thomas E. Owen Janua B. Do

As Chairman of MCHR Commissioners, and Executive Director, we are proud of the effectiveness and efficiency of the agency. The staff has performed in an exemplary manner despite the budgetary handicaps. Government's commitment to equal opportunity is crucial to building a healthy economy and an open society. The MCHR Commissioners and staff take this opportunity to express our appreciation of your support of equal opportunity in Maryland.

Yours very truly,

Thomas E. Owen Chairperson

Henry B. Ford Executive Director

The Commission

he Maryland Commission on Human Relations represents the interest of the State to ensure equal opportunity for all through the enforcement of Article 49B, Annotated Code of Maryland. The MCHR hears complaints of discrimination in employment, housing and public accommodations from members of protected classes that are covered under this law.

The Commission is an independent agency that serves individuals, businesses, and communities throughout the State. Its mandate is to protect against discrimination based on race, color, religion, sex, age, national origin, marital status, physical or mental disability, sexual orientation and genetic information. In housing cases, discrimination based on familial status is also unlawful.

In addition, the Commission assists employers in developing biasfree selection, hiring, retention, and promotion procedures; increases equal housing opportunities to all groups in Maryland; ensures equal access to public accommodations and services; and promotes knowledge and understanding of anti-discrimination laws and help to improve human relations within the State.

2005 Highlights

- During FY 2005, the MCHR obtained over \$850,000.00 in monetary benefits for the people of Maryland through Case Processing activities. (*Page 12.*)
- In partnership with the U.S. Department of Housing and Urban Development (HUD), Maryland Department of Housing and Community Development, Maryland Commission on Hispanic Affairs, Eastern Shore Multicultural Association and Beacon Bienvenidos á Delmarva, MCHR took part in planning and presenting the second in a series of events to raise awareness of fair housing issues among immigrant populations on the Eastern Shore. (*Page 7.*)
- The MCHR provided training and events designed to prevent discrimination to more than 7,000 Marylanders and 137 organizations in FY 2005. (Page 10.)
- The Mediation program continued steady increases in the number of complainants and respondents that elect to voluntarily participate in mediation to resolve discrimination disputes. The Mediation Unit processed 46% of cases that were eligible for mediation, an increase of 10% over 2004. Unit staff was successful in resolving 62% of cases entering mediation.

2005 Commissioners

Thomas E. Owen, Chair John W. Hermina, Vice Chair Roberto N. Allen Charles H. Cresswell Barbara Dezmon, Ph.D. Norman I. Gelman Peter R. Lee Pamela J. Scarbro

Office of the General Counsel

The Office of General Counsel is the legal advisor and counsel to the agency. The General Counsel's office is an independent law department created by the Legislature in Article 49B, § 2, Annotated Code of Maryland. The office is charged with representing the agency at all hearings and judicial proceedings to which the MCHR is a party. The attorneys in the General Counsel's office handle litigation before the Office of Administrative Hearings, Commission appeal panels, and State and federal trial and appellate courts.

In addition to litigation responsibilities, the General Counsel's office provides all opinions to the agency's staff, responds to legal inquiries from the public, drafts legislation and regulations, provides staff training, and upon request, technical assistance training to those outside the agency.

Initiatives

The General Counsel's Office advances the agency's mission by leading and participating in the legal and human rights communities initiatives that work to eliminate discrimination throughout the State.

- In corroboration with the U.S. Department of Housing and Urban Development (HUD), Maryland Department of Housing and Community Development, Maryland Commission on Hispanic Affairs, Eastern Shore Multicultural Association and Beacon Bienvenidos á Delmarva, the General Counsel participated on a panel discussion on fair housing.
- General Counsel conducted best business and marketing practices training to promote fair housing for the Anne Arundel County Association of Realtors, Prince George's County Association of Realtors, Greater Baltimore Board of Realtors, Southern Maryland Association of Realtors, Howard County Board of Realtors and Coldwell Bankers.
- To expand the audience for fair housing initiatives, the General Counsel was invited to present at the Annual Maryland Association of Realtors Convention.

- General Counsel and an Assistant General Counsel conducted training for the Administrative Law Judges at the Office of Administrative Hearings on disability discrimination and fair housing under Article 49B.
- To cultivate interest in the legal profession by high school students, the
 General Counsel participated in
 "Careers in the Legal Profession" at
 the Baltimore Convention Center.
- General Counsel along with the Executive Director presented MCHR processes and coverage under Article
 49 to State Equal Opportunity and Program Equity Officers.
- Partnering with the National Conference on Community and Justice (NCCJ), the General Counsel participated in and facilitated dialog sessions on diversity in the media, for the NCCJ Annual Media Day of Dialog.
- General Counsel co-chaired and moderated the Labor and Employment
 Law Section's panel "Top Ten Things
 to do When Prosecuting or Defending
 an Employment Case" held at the Annual Maryland State Bar Association
 Convention.

Significant Litigation

EMPLOYMENT

Barry Wingate v. Hi-Tech Plastics

Hi-Tech Plastics, a manufacturing plant located in Cambridge, Maryland, settled an age discrimination case rather than defend it in an administrative action. Hi-Tech paid its former shift supervisor \$52,500, and adopted a policy against discriminating on the basis of age. Hi-Tech told Wingate, who was 51 and a four-year employee with excellent performance evaluations, that his position was eliminated, then replaced him with a much younger individual.

MCHR v. Triangle Oil Co.

Triangle Oil Company was charged with discriminating against Ernest Russell because of his race, African American, by reducing his hours and wages, and terminating him from his job. Triangle, which operated the Citgo gas station where the omplainant worked, failed to appear before the Administrative Law Judge. The judge ordered Triangle to pay Russell back wages and post-judgment interest of \$5,022.20. Triangle did not comply with the order. Triangle also ignored an enforcement action to obtain the ordered relief filed by the MCHR. MCHR has obtained a Default Judgment and a contempt of court action may follow.

HOUSING

Newkirk v. Chase Real Estate Co. et al

MCHR charged Chase Management, Inc., with race discrimination in housing in violation of Article 49B, Annotated Code of Maryland §22 (a). Chase Management, which does business as The Chase Real Estate Co., its president Lawrence Polakoff, and an office employee were named in the charges. The MCHR investigation found that the Baltimore real estate company had approved the complainant's application, taken her deposit then claimed that the house needed more work before she could move in. Chase continued to stall, and finally induced the complainant to take back her deposit. The same day, Chase allowed two white women to move into the house. Chase settled the case on the morning that trial was to begin. The company paid \$7,500 to the woman, and the parties named in the charges were required to undergo fair housing training.

MCHR v. Elton D. Smith, Jr.

In a case involving violation of Article 49B, §24, that makes it unlawful to coerce, intimidate, threaten, interfere with or retaliate against a person in the exercise or enjoyment of the right to equal opportunity in housing, the Commission prevailed in an action to enforce the final order of the agency. After a full evidentiary hearing,

Elton Smith, who is black, was found to have harassed his next-door neighbors, an interracial couple, threatening that he would make them move. He was ordered to pay the couple \$3,576.60 in damages, and pay a civil penalty of \$5,000 plus interest to the State General Fund. Respondent failed to obey this order. MCHR subsequently filed an action to enforce the order and obtained a Default Judgment against Smith in Baltimore County Circuit Court..

PUBLIC ACCOMMODATIONS

Reuter v. Maryland State Lottery Agency

The Maryland Lottery Agency settled a disability access action filed by MCHR before a trial took place. The Lottery made its games unavailable to persons with disabilities by granting Lottery licenses to retailers who maintain inaccessible facilities. About 15 individual Lottery outlets, whose entrances did not accommodate wheelchair access, were identified in the charges. The Lottery agreed to require lottery license applicants to certify that their facilities are accessible to all and awards licenses to inaccessible retailers only in exceptional cases. In addition, The Lottery now posts a list of accessible outlets on its website.

MCHR v. A Cook's Table, et al

The Commission filed a contempt of court proceeding against a Baltimore retailer and cooking school. The Circuit Court found defendants in constructive civil contempt for disobeying a court order to install a ramp and a van-accessible parking space to provide disability access at the facility in Federal Hill. The court fined the store \$3,000 for contempt and ordered that the ramp and parking space be installed.

MCHR Outreach Activities

eneral Counsel staff conducted J training and presentations during FY 2005 to provide education and outreach to a number of businesses, public and private organizations, and State agencies. The presentations provided the Commission with the opportunity to train the participants on fair practices and how to prevent claims of discrimination. It provided forums to discuss, educate and sometimes resolve problems before they become formal complaints. Presentations on the law cover Article 49B, Annotated Code of Maryland, and additional relevant State, federal and local laws. Education and outreach were presented in a variety of ways including workshops, seminars, panel discussions and trainings. General Counsel

staff provided legal technical assistance training on the topics of sexual, racial and religious harassment, disability discrimination, mortgage lending, fair housing, MCHR policies and procedures, and employment discrimination.

The businesses, organizations and institutes that received technical assistance presentations were: Delaware Office of Human Relations Commissioners, Salisbury State College, St. Mary's College, Maryland Employment Lawyers Association, State of Maryland Office of Employment and Program Equity, Greater Baltimore Board of Realtors, Office of Administrative Hearings, Howard County Board of Realtors and other county boards of realtors.

The MCHR also provided training and events designed to prevent discrimination to more than 7,000 Marylanders in FY 2005. Topics such as sexual harassment prevention, cultural competence, conflict resolution, sexual orientation, genetic information, disability sensitivity, hate crimes awareness and fair housing issues, were presented by the MCHR Training Specialist, General Counsel's Office, Executive Director, Mediation Unit, and investigative staff.

MCHR helped to broaden awareness of government services and provided information on equal access to 137

organizations including: Catonsville Community College, McDaniel College, Towson University, University of Maryland College Park, Maryland Association for Nonprofits, Alzheimers Association, Caroline Center, Life Crisis Center, Cecil County Sheriff's Department, Burger King, Mona Electric, JHU-Bayview Psychiatric Center, Chase Realty, Departments of Social Services in Washington County and Baltimore City, Florence Crittenton Services, Mt. Washington Pediatric Hospital, Place for Children, Potomac Case Management Services, Department of Juvenile Services, and the League for Persons with Disabilities.

The MCHR also planned, facilitated, and participated in special events throughout Maryland in conjunction with other organizations and agencies. Continuing partnerships with the U.S. Department of Housing, Equal Employment Opportunity Commission and the U.S. Department of Justice provided opportunities to maximize agency resources.

Collaborative events in FY2005 included: Maryland Association for Nonprofits Empowerment Conference, Eastern Shore Hispanic Leadership Conference, Mediators Annual Conference, Immigrant Leadership Conference, Washington County Society for Human Resources Professionals Luncheon, and Human Rights Day in Annapolis.

Case Processing Division

The Case Processing Division provides intake, investigation, mediation and case processing services for the complaints filed with MCHR in housing, public accommodations and employment. Services are provided through an Intake Unit and four Investigative Units. One of the Investigative Units, Field Operations, has full service offices in Hagerstown, Leonardtown, and Salisbury.

The Division receives complaints directly from individuals who believe they have been victims of unlawful discrimination and also processes cases for the U. S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

Intake and Closures

Intake:

During FY 2005, the Division received a total of 943 individual complaints of discrimination as follows:

Employment	710	(75%)
Housing	153	(16%)
Public Accommodations	80	(9%)
Total	943	(100%)

Charts I and II (pages 13 and 14) provide the county of origin and bases distribution of the complaints. Chart III (page 15) provides the basis distribution of the cases closed.

Closures:

During FY 2005, the Division obtained **over** \$850,000.00 **in monetary benefits** for the people of Maryland.

During FY 2005, the Division completed all work on a total of 915 individual complaints of discrimination as follows:

Employment	731	(80%)
Housing	122	(13%)
Public Accommodations	<u>62</u>	<u>(7%)</u>
Total	915	(100%)

The Division was successful in achieving its objectives in spite of a reduction in staff. The Division is pleased to report that once again, our contractual obligations were met with a 100% acceptance rate from our Federal partners, for the third consecutive year.

An indicator of success is that again, according to federal audits, MCHR demonstrated the superior quality of the investigations with one of the *highest acceptance* rates of completed cases in the nation. Age of inventory of open cases is an indicator of the time an agency takes to complete a case.

In addition, federal audits of other FEP (Fair Employment Practice Agencies--state and local commissions that have the same or similar contractual relationship with EEOC), revealed that the MCHR inventory of open cases is half the age of the national average of open cases. The chart below demonstrates that the age of MCHR's pending inventory is dramatically lower than the national average.

MCHR Average Age of Open Case 2005	
Employment	250 days
Housing	130 days
Public Accommodations	282 days

National Average Age of Open Case:	
FEPAS (Fair Employ- ment Practice Agen- cies)	628 days
FHAPS (Fair Housing Assistance Programs)	240 days

Chart I: Total Intake 2005 Basis Distribution

Employment, Public Accommodations and Housing

Charges filed in Fiscal Year 2005 according to alleged Basis of Discrimination

Basis	E	PA	Н
Race:			
Black	239	26	50
White	24	1	4
Asian/Pacific Islander	3	1	0
American Indian/Alaskan	0	0	0
Other	7	0	0
Sex:			
Female	116	4	18
Male	34	0	2
Sexual Orientation	22	2	1
Age	117	3	8
Retaliation	99	3	8
Disability	99	38	61
Religion:			
7 th Day Adventist	1	0	0
Muslim	8	0	4
Jewish	7	0	5
Protestant	1	0	2
Catholic	0	0	0
Other	9	0	4
National Origin:			
Hispanic	10	0	4
East Indian	2	0	0
Other	31	2	10
Familial Status	NA	NA	16
Marital Status	4	0	2
Color	1	0	6

Chart II: Intake of Cases FY 2005: Frequency by County

Chart III: Closed Cases 2005 Employment, Public Accommodations and Housing

Cases closed in Fiscal Year 2005 according to alleged Basis of Discrimination

Basis	E	PA	н
Busis	_	••	••
Race:			
Black	260	29	45
White	24	1	1
Asian/Pacific Islander	3	0	0
American Indian/Alaskan	0	0	0
Other	9	0	0
Sex: Female	122	2	
Male	42	2	6
		_	1
Sexual Orientation	25	1	2
Age	119	0	0
Retaliation	96	0	2
Disability	116	27	41
Religion:			
7 th Day Adventist	2	0	0
Muslim	5	0	1
Jewish	4	0	1
Protestant	2	0	1
Catholic	1	0	0
Other	8	0	1
National Origin:			
Hispanic	10	0	6
East Indian	3	0	0
Other	22	0	2
Familial Status	NA	NA	6
Marital Status	8	1	2
Color	10	0	0

Note: Cases may be filed on more than one basis; therefore totals exceed number of charges received.

MEDIATION UNIT

Since its inception in 2001, the Mediation Unit has grown to three full-time staff members and maintains a roster of over 120 trained volunteer mediators who continue to pioneer an agency-wide dispute resolution program that has been an overwhelming success.

The Mediation Unit receives many case referrals directly at the intake level when a charge is filed. Cases are also referred to mediation from investigations staff and from the General Counsel's Office when mediation may become appropriate at a later phase in case processing.

Mediation allows cases to be processed effectively while saving the parties and the State money and time that might otherwise be spent on investigations and litigation. Mediation focuses not only on resolving individual charges but also on repairing the relationships between disputing parties.

The goal is to close cases quickly and efficiently and to promote a State free of discrimination by teaching the public to have a direct hand in resolving their own disputes. The program has become known state wide for its creative recruitment efforts, cutting-edge training classes, and continuous quality assurance.

In fiscal year 2004, the Mediation Unit Director was asked to join the Maryland Mediator Quality Assurance Council sponsored by the Maryland Mediation and Conflict Resolution Office (MACRO). MACRO is a court related agency chaired by the Honorable Robert M. Bell, Chief Judge of the Maryland Court of Appeals, that serves the State by supporting and expanding conflict resolution services in Maryland. The Quality Assurance Council developed task groups who were charged with developing a statewide Maryland Program for Mediator Excellence (MPME) that will be introduced in late 2005. The MPME is unique in the country since it will attempt to provide mediators and other related professionals across the entire State with a network to access standards for quality mediation training, mentoring, ethical standards for practice, a formal grievance process and other programs to promote high quality mediation services in all programs.

In this fiscal year, as a member of the Council and the representative for all mediation roster managers in Maryland, the Mediation Unit Director served on several task groups to ensure that MCHR mediators would meet the State's standards for quality practice. In particular, the Director co-chaired the Mediation Training Standards Task Group and MCHR participated as one of only three organizations in

the State in the MPME Mediator Mentoring Pilot Program to develop a process for mentoring new mediators. Participation in these efforts has raised the public's awareness of MCHR mediation services, garnered greater attention from other government agencies and has prepared the MCHR Mediation Program in advance for any mediator standards that may become mandatory in the future in Maryland. For the second year in a row, the Unit Director worked on the Committee that planned the Annual Maryland Mediators Convention and presented workshops at this year's conference.

The Mediation Unit also trained 38 new volunteer mediators and offered continuing education courses for current volunteers to enhance their mediation skills. The Mediation Unit offered a 40-hour Basic Mediation Course and developed and presented several new training courses including: Disability Issues in Mediation, Impasse Strategies, and an Agreement Writing Semi-The Mediation Program will also partner with several experienced private mediators, county community mediation centers and the Center for Dispute Resolution at the University of Maryland School of Law to offer even more new training topics in fiscal year 2006.

In an effort to continue to expand mediation services throughout the State and make these services accessible in rural areas, the Mediation Unit began a partnership with the Maryland Association of Community Mediation Centers (MACMC) to recruit local mediators in several counties outside of the Commission's office locations.

In addition to the partnership MCHR has with the St. Mary's County Community Mediation Center, the Mediation Unit established a partnership with the Chester Valley and the Mid-Shore Community Mediation Centers to recruit mediators and offer locations for MCHR mediations in Kent, Queen Anne's, Talbot, and Caroline Counties.

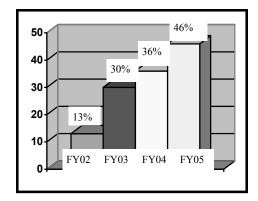
The Mediation Unit will be establishing more partnerships in fiscal year 2006 with community mediation centers on the Eastern Shore, Southern Maryland, and the northern and western parts of the State.

The Mediation program continues to make exceptional strides that are evident in the quantitative outcomes as well as the qualitative responses from participants. The program has steadily increased the number of participants that elect to voluntarily participate in mediation as well as the overall number of cases mediated. The high quality of services is also clear from the feedback received from mediation participant surveys collected at the end of all mediation sessions, including:

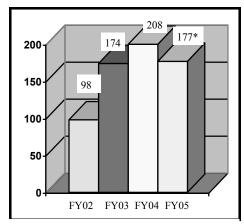
- Over 95% of all mediation participants state that they would participate in the mediation process again and would recommend the mediation process to others even if they weren't able to reach an agreement in their particular case.
- Over 92% of participants agree that the mediation was fair and they were satisfied with how much they got to participate in the process.

The program promises to be a continued success for the Commission and to set a standard of excellence for alternative dispute resolution throughout Maryland.

Percentage of Eligible Cases Processed by the Mediation Unit

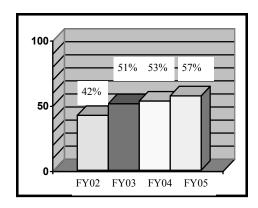


Number of Mediations Held



^{*}additional cases were resolved by mediation staff.

Percentage of Mediated Cases that Reached Agreement



Total Unit Resolution Rate: 62%This number includes cases resolved in formal mediation sessions as well as cases closed by Mediation staff.

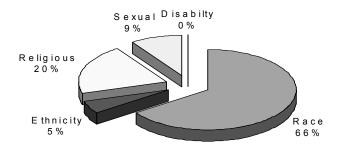
Hate Crimes Monitoring

Inder Article 49B, Annotated Code of Maryland, hate crimes are prohibited under housing provisions. Additional hate crimes protections are found under the Criminal Law Volume, Annotated Code of Maryland. The MCHR, as part of its mission and mandate to eliminate discrimination in Maryland, believes that it is important to raise awareness and assist Marylanders in recognizing and addressing hate crimes as a priority. The MCHR therefore publishes reporting and classification of hate incidents in cooperation with the Maryland State Police. The MCHR offers leadership by investigating hate crimes and providing victim assistance.

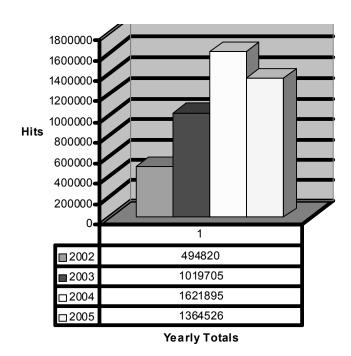
2004 Hate Crimes

A total of 374 hate crimes were in the FY 2005 report. Notably, there were a total of 32 Race Related Incidents in Maryland Public School System. Colleges and universities reported a total of 6 Race Related Incidents and a total of 14 Sexual Orientation Related Incidents.

Hate Crimes by Type



Information Technology Unit



Access ("hits") to MCHR Website 2002-2005

In fiscal year 2005, budget issues impacted the Maryland Commission on Human Relations' information technology strategies. This was reflected in a leveling off of web traffic. Previous years benefited from a concerted effort to link both education and outreach to the agency's web portal. Although the public continued to rely upon the Internet to seek information and access MCHR services, fewer contacts were made through the web site than in FY2004. The

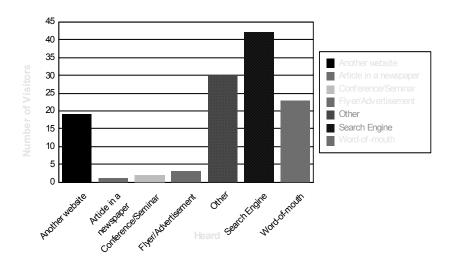
leveling off of "hits" and visits to the site corresponded to the reduction in the agency's outreach efforts. The number of those who initiated discrimination complaints and received information about MCHR services through the agency's website also leveled off in 2005.

Almost all of the agency's mediation volunteers gained access to MCHR's mediation training and volunteer program through the agency's web site. MCHR's website is the primary recruitment tool for volunteers for the MCHR Mediation program.

In FY 2005, MCHR increased distribution of publications through the World Wide Web. Making newsletters, brochures, and pamphlets available in downloadable formats helped to offset reduced budgets for printing and mailing.

This past year, the IT manager performed an analysis of how visitors learn about the MCHR website. The methodology was to combine data from MCHR's web hosting service and survey results collected from every visitor who initiates a discrimination complaint though the MCHR web site. The results are as follows:

How visitors find the MCHR website Referred Visitors



The chart shows that the overwhelming number of visitors who file complaints used Internet search engines or other web sites' links to find the Maryland Commission on Human Relations site. It also shows the extent to which word-of-mouth, resulting from outreach and education efforts, is responsible for raising public awareness of the agency's services.

In FY 2006, MCHR's Information Technology Unit will again play a key role in delivering information and services that address and prevent discrimination throughout the State. The IT Unit will continue to develop the tools and processes to meet the needs of the public in a venue that is practical and efficient.

Annual Operating Budget

MCHR FY 2005 Budget Report			
Fiscal Years	2003	2004	2005
Total State General Funds	\$2,469,035	\$2,477,778	\$2,542,050
Federal Funds			
HUD	884,685	743,856	380,398
EEOC	138,875	323,143	424,247
Total Federal Funds	1,023,560	1,066,999	804,645
Grand Total	\$3,519,595	\$3,544,777	\$3,346,695
Staff Positions*			
Authorized Permanent *	51.5	48	45.5
Contractual	5	6	4
Total Positions	56.5	54	49.5

^{*} Number of authorized permanent staff positions was reduced in 2004 and 2005 due to statewide cost-containment actions.

MCHR STAFF FY 2005

